

HIGH COURT MATTER
URGENT/BY SPEED POST

F.No.13016/17/2014-CA-I (Vol.III)
Government of India
Ministry of Coal

Shastri Bhawan, New Delhi.

Dated : 4th August, 2015

To
M/s. Abhijeet Infrastructure Pvt. Ltd.,
178, Light Industrial Area,
Bhillai, Chhattisgarh-490026

Subject : **Withdrawal** of Show Cause Notice issued on 16.01.2015 for delay in development of **Brinda Sesai & Meral** coal blocks based on the recommendations of 28th IMG meeting held.

Sir,

I am directed to refer to the Show Cause Notice issued vide this Ministry's letter of even number dated 16.01.2015 to the prior allocatee of the coal block mentioned in the list attached, in pursuance of the Hon'ble Delhi High Court's common order dated 30.10.2014 in W.P (C) No.4653/2014 & CM 9280-81/2014 and 41 other connected matters filed against Government's action of de-allocation and/or imposition/invocation of Bank Guarantee (BG) of the allocated coal blocks and based on the recommendations of the 28th meeting of IMG held on 30.12.2014.

2. The matter of Bank Guarantee (BG) of prior allocatees has been re-examined/re-considered in the **31st IMG meeting held on 7th July, 2015**. The IMG in its said meeting has inter-alia, *noticed that the extent of breach of timelines by the prior allottees in respect of these 31 coal blocks until the blocks were held by them had already been evaluated by the Government and accordingly orders regarding de-allocation and/or BG deduction had already been issued. Hence, these are distinct from the rest of the cases where no orders regarding BG deduction have so far been issued by MoC. Inadvertently, it was decided in the 28th IMG meeting to issue show cause notices to the prior allottees of these 31 coal blocks as this issue was not put up to IMG earlier. The Hon'ble Delhi Court, in its common order dated 30.10.2014 inter alia directed Union of India to take a decision in respect of each individual case whether the BG ought to be invoked or released. The IMG felt that it would not be appropriate to suo motu review the issue of BG afresh when a decision has already been taken by the Government particularly when there is no direction from the High Court to review the BG deduction orders already issued by MoC and no fresh facts have been brought up. Therefore, IMG recommended that since the orders regarding invocation of BG had already been issued by the Government in respect of these 31 coal blocks and the decision had been taken after following due procedure, the same would stand and the inadvertently issued show cause*

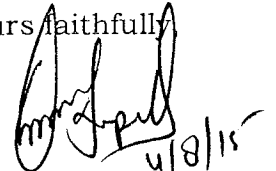
notices to the prior allottees of the 31 coal blocks should be withdrawn clearly informing this.

3. This recommendation of 31st IMG has been accepted by the Government.

4. As per the decision of the Government, the show cause notice issued vide this Ministry's letter No.13016/17/2014-CA-I dated 16.01.2015 to you **stands withdrawn**. Accordingly, the deduction/forfeiture of BG shall be as already ordered by the Ministry of Coal vide its order No.47011/1(20)/2000-CPAM/CA/CA-I dt. 07.03.2014.

5. In pursuance of order dated 30.10.2014 of Hon'ble High Court of Delhi, the Coal Controller's Organisation is directed **not** to invoke the BG or pursue its encashment, for a further period of three weeks from the date of issue of this letter to the petitioners, to enable the petitioners to take appropriate action in accordance with law.

Yours faithfully



[ANURAG KAPIL]

Director & Member-Convener

Tel : 23384594

Copy to the following for information and necessary action: -

1. The Secretary, Ministry of Steel, Udyog Bhavan, New Delhi.
2. The Coal Controller, No.1, Council House Street, Kolkata, West Bengal with the direction **not** to invoke the BG or pursue its encashment, for a further period of three weeks from the date of issue of this letter to the petitioners, to enable the petitioners to take appropriate action in accordance with law as per the directions of Hon'ble High Court of Delhi.
3. AM (Legal), Legal Cell, Ministry of Coal.
4. Director (Tech), NIC, Ministry of Coal to upload the letter in the website of Ministry.
5. Copy to concerned F.No.47011/1(20)/2000-CPAM/CA/CA-I for record.